761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: December 1, 2005

FILE NO.: SH2126728

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY JERRY ORTIZ #[redacted]

On August 19, 2004, Deputies were patrolling in the area of Pioneer Boulevard and Del Amo Boulevard in the city of Lakewood. They were flagged down by victims of an attempt car-jacking. The victims described the suspects and their vehicle, then told the deputies the suspects had just driven southbound on Pioneer Boulevard. The deputies drove southbound, then turned eastbound onto 205th Street where they saw the described vehicle pulling away from the curb in front of a residence. The deputies saw that the passengers in the vehicle were reaching toward the floorboard as if they were attempting to grab something. The suspects turned north on Seine Avenue and immediately pulled to the curb when Deputy Ortiz activated the radio car's red lights. The deputies quickly pulled in behind the suspects and exited their radio car. Both deputies observed Suspect #1 open the passenger side door while holding a black handgun in his right hand. The gun was pointing in the deputies' direction. Believing Suspect #1 was about to shoot him or his partner, Deputy Ortiz, from the driver's side of the radio car, fired one, 9mm round from his Beretta hitting the rear of the suspects' car. Suspect #1 then ran away from the vehicle. The other occupants of the vehicle placed their hands up over their heads. Suspect #1 ran a short distance and again turned and pointed the handgun at the deputies. Again, believing that he and his partner were about to be shot, Deputy Ortiz fired four, 9mm rounds, striking the suspect in the upper torso. Suspect #1 fell to the ground; his handgun came to rest within a few feet of him. Assisting deputies arrived and handcuffed Suspect #1. Suspect #1 was transported to Long Beach Memorial Medical Center where he was pronounced dead.

On November 21, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.30: Use of Firearms and Deadly Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, MMP § 3-01/025.30: Use of Firearms and Deadly Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputy in this incident were within Department Policy.

Johnny G. Jurado, Commander

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212628

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 09-06-05	Bureau/Station/Facility: Office of Homeland Security	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 004-22711-1328-013	Date: 08-19-04 Time: 1430
City or Station: Lakewood	Nature of Incident: Deputy Involved Hit Shooting
Location: [redacted] 205th Street	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ____

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 30 Ft.

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): **Detective** (circled), Inmate Transport, Other, Routine Patrol

Total # of Shots Fired by Deputy: 5

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Brennan	Timothy		EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
See investigative narrative for list of witnesses				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Windrim	Robert		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Ornelas	Ralph	

PSTD Use Only
SH # 2126728

Officer Involved Shooting

URN: 004-22711-1328-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-19-04	1649		

Employee #	Last Name	First Name	M.I
[redacted]	Morejon	Elier	
[redacted]	Hines	William	
[redacted]	Seno	Ben	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	GS	BK
S#1	E#1	FH	GL	45	-	-	NN	-

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See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 004-22711-1328-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Ortiz	First Name: Jerry	M.I.: L.
Sex: M Race: H	Rank: Deputy	Unit Assignment: SSB	Work Assignment (Unit #, Module, etc.): SSB
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, (Raid Jacket w/ Vest), Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 600 Weight: 185			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Em[redacted]	[redacted]st Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 004-22711-1328-013

Suspect Information

S 1	Last Name Flores		First Name Dorien	M.I. E.
	AKA Last Name		First Name	M.I.
	Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
	Work Phone: ------	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
	Age: 23 D.O.B. 07-24-1981	Height: 508 Weight: 207	FBI # [redacted]	CII # [redacted]
	Booking # N/A	Primary Charge:	Secondary Charge:	
	Coroner Case? ☒	Coroner Case # 2004-06272	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
	Vehicle Make Hyundia		Model: Hatch Back	Year: 1992

S__	Last Name		First Name	M.I.
	AKA Last Name		First Name	M.I.
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make		Model:	Year:

S__	Last Name		First Name	M.I.
	AKA Last Name		First Name	M.I.
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make		Model:	Year:

S__	Last Name		First Name	M.I.
	AKA Last Name		First Name	M.I.
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB SH - 2126728
URN: 004-22711-1328-013

On Thursday, August 19, 2004, at approximately 1423 hours, Sergeants Elier Morejon and William Hines along with Lieutenant Ben Seno of the Internal Affairs Bureau responded to [redacted] 205th Street, Lakewood, regarding a Deputy Involved Hit Shooting involving Safe Streets Bureau Deputy Jerry Ortiz.

The summary of this incident is based on information obtained from written reports and interviews of the involved employees and witnesses. **Refer to Exhibit A - Homicide Book**

INVOLVED PERSONNEL:

ORTIZ, Jerry, Deputy, # [redacted]
Safe Streets Bureau
Office of Homeland Security

EMPLOYEE WORK HISTORY:

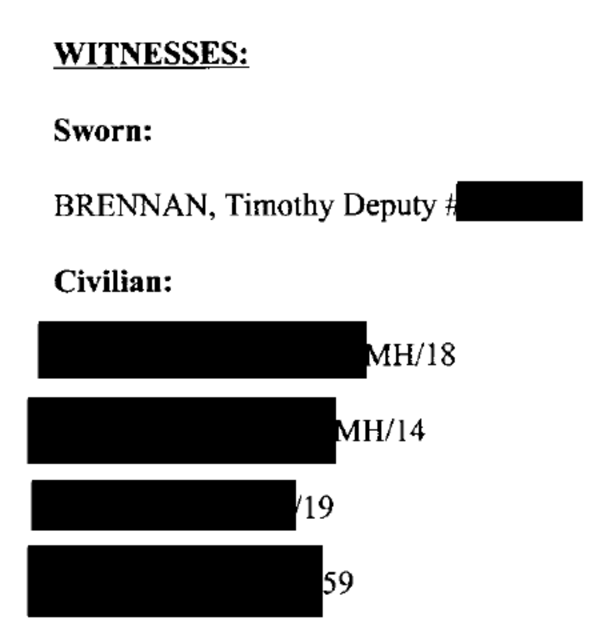
ORTIZ, Jerry

Date of Employment:	02-09-1990
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	11-06-00,11-10-02
Prior Founded Force Incidents:	[redacted]

SUSPECTS:

FLORES, Dorian MH/23

Suspect Flores' criminal history [redacted]
PC., **Refer to Exhibit B - Flores' Booking Package and Criminal Record**



WITNESSES:

Sworn:

BRENNAN, Timothy Deputy #[redacted]

Civilian:

[redacted]MH/18

[redacted]MH/14

[redacted]/19

[redacted]59

INJURIES:

Suspect Flores received one single penetrating gunshot wound to back - abdomen, which was fatal. Trajectory was back to front, left to right, upward. **See Exhibit - A - pages 60-80, Autopsy report.**

PHYSICAL EVIDENCE:

Five expended 9mm shell casings from Deputy Ortiz' duty weapon were recovered at the scene. One live .22 caliber long rifle cartridge was recovered from the street. A .22 caliber semi-automatic rifle was recovered from the suspects car. A .45 caliber, Glock, semi-automatic pistol was recovered from Suspect Flores. **Refer to Exhibit C - Photographs of the recovery of the shell casing/evidence., Exhibit D - Scene Diagram by Crime Lab.**

INVESTIGATOR OBSERVATIONS:

The location of the shooting was a standard residential street. Seine Street and 205th Street are standard asphalt residential streets running north/south and east/west. **Refer to Exhibit E - Photographs of the area**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Ortiz fired five rounds from his duty weapon: **Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]**

The weapon was examined, test fired, and found to be functional by Firearms Examiners Tracy Peck [redacted] and [redacted] **Refer to Exhibit F - Firearms Examiner Report**

WEAPONS USED BY SUSPECTS:

.45 Caliber semi-automatic pistol, "Glock," Model 21, Black, containing one live round in the chamber and eight live rounds in the magazine, Ser[redacted]

> **IAB NOTE: The weapon used by Suspect Flores was a Los Angeles Police Department reported stolen on July 4, 2002.**

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR/CHARGES FILED:

No criminal charges were filed against Suspect Flores do to the fact he died from his injuries.

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during the daylight hours. The weather was cool and clear.

INVOLVED EMPLOYEE'S STATEMENTS:

DEPUTY JERRY ORTIZ

Deputy Ortiz said that he and his partner, Deputy Timothy Brennan, were in the area of Pioneer Boulevard and Del Amo Boulevard in a marked sheriff's black/white patrol car when they were flagged down by two males in a car. Deputy Ortiz said that they contacted the males and he spoke to the driver. The driver told Deputy Ortiz that a male Hispanic, on 205th Street, in a blue Toyota had placed a gun to his head and told him to get out of his car. (The car-jacking was not completed) Due to the directions provided by the male, Deputy Ortiz said that he believed that the suspects may be in the area of 205th Street.

Deputy Ortiz said that he turned eastbound on 205th Street and was about to turn northbound on Arline Avenue when they saw a blue compact car in front of them. They noticed that the car momentarily swerved over to the curb, before continuing eastbound on 205th Street. Deputy Ortiz stated that he and Deputy Brennan spoke to each other, relating their opinion that this was the vehicle which was used in the car jacking. As they neared the car, they observed that the car was a two-door Hyundai, hatchback. Deputy Ortiz said that he observed the front and rear passengers in

the car were male Hispanics. Deputy Ortiz stated that both males were making a "reaching motion," toward the floorboard as if they were attempting to grab something. Deputy Ortiz said that the car was driven by a female Hispanic.

As the car reached Seine Avenue, it made a left turn, northbound. Deputy Ortiz said that he activated his vehicle's overhead red lights and activated his cars "air horn," so as to initiate a stop. Deputy Ortiz said that the males continued to move about the car. Deputy Ortiz related that he told Deputy Brennan that the occupants were going to "bail," believing that the occupants were about to exit the car and run.

As the car came to a stop, Deputy Ortiz exited his car. Deputy Ortiz stated that as the front seat passenger, Suspect Flores, exited the car he had a black semiautomatic handgun in his right hand. Deputy Ortiz said that the suspect's hands were at the top of the door frame and that the weapon was pointed in the direction of Deputy Brennan. Deputy Ortiz said that Suspect Flores was in a squatting position, which Deputy Ortiz related he believed that the suspect was moving into a position to fire the weapon.

Deputy Ortiz said that he believed that the suspect was about to fire his weapon at Deputy Brennan and fearing for his partner's safety, he fired one round at the suspect. After the shot was fired, the suspect ran from the car as the other occupants placed their hands up over their heads.

Deputy Ortiz said that as Suspect Flores ran, Suspect Flores turned to his left. Deputy Ortiz said that as Suspect Flores turned, it appeared that Suspect Flores was falling, but the suspect continued turning and pointing the weapon at him. Deputy Ortiz said that he believed that the suspect was about to shoot at him and he fired four to five rounds at the suspect. Deputy Ortiz said he believed one of his rounds struck Suspect Flores, because Suspect Flores stumbled as the shot at him. . The suspect continued running several more feet before falling to the sidewalk. As the suspect fell to the ground, his handgun came to rest within a "hands reach," of him. Deputy Ortiz related that the suspect reached for the handgun as he lay on the sidewalk. Deputy Ortiz stated that he moved toward the suspect and was about to shoot again, but he observed people began to exit their homes. Deputy Ortiz moved forward and kicked the weapon away from the suspect. Once assisting units arrived the suspect was handcuffed.

SWORN WITNESSES

DEPUTY TIMOTHY BRENNAN

Deputy Brennan said that he and his partner, Deputy Ortiz, were working the "G.E.T. Team," Gang Enforcement Team, driving a marked black/white sheriff's patrol car and wearing department class "C," uniforms. They were in the area of Del Amo Boulevard and Pioneer Boulevard, after just

finishing eating. As they pulled onto southbound Pioneer Boulevard, they were flagged down by two male Hispanics in a black Chrysler. Deputy Ortiz, who was driving, drove over to the males. Deputy Brennan, who was the passenger, overheard the males tell Deputy Ortiz that a male Hispanic in a faded blue Toyota had just attempted to car-jack them. The males stated that the blue Toyota had just turned left on the first street south of them. Deputy Brennan said that because of the male's statement "they," he felt that the faded blue vehicle contained more than one occupant. Deputy Brennan said that he was about to advise other G.E.T. units to assist him in checking the area but he felt that the suspects may have already left the area. They began to check the area and turned eastbound on 205th Street.

Deputy Brennan related that as they drove eastbound on 205th Street, he saw a faded blue car, possibly a Toyota, parked at an odd angle to the curb, approximately one and one-half blocks east of them. They continued to drive closer to the vehicle when the car momentarily pulled from the curb, then returned to the curb. As they drove closer to the suspect vehicle, Deputy Brennan said that they saw that the car contained three occupants, a female driver, male Hispanic front seat passenger and a male Hispanic in the rear seat. Deputy Brennan stated that both males appeared to be gang members. As they closed the distance, the car pulled from the curb. Deputy Brennan related that the male occupants of the car appeared startled and looked about, continually moving about the interior of the car as if they were looking for a place to "jump out." Deputy Brennan said that he and Deputy Ortiz discussed the fact that these appeared to be the person's who may have attempted the car-jacking.

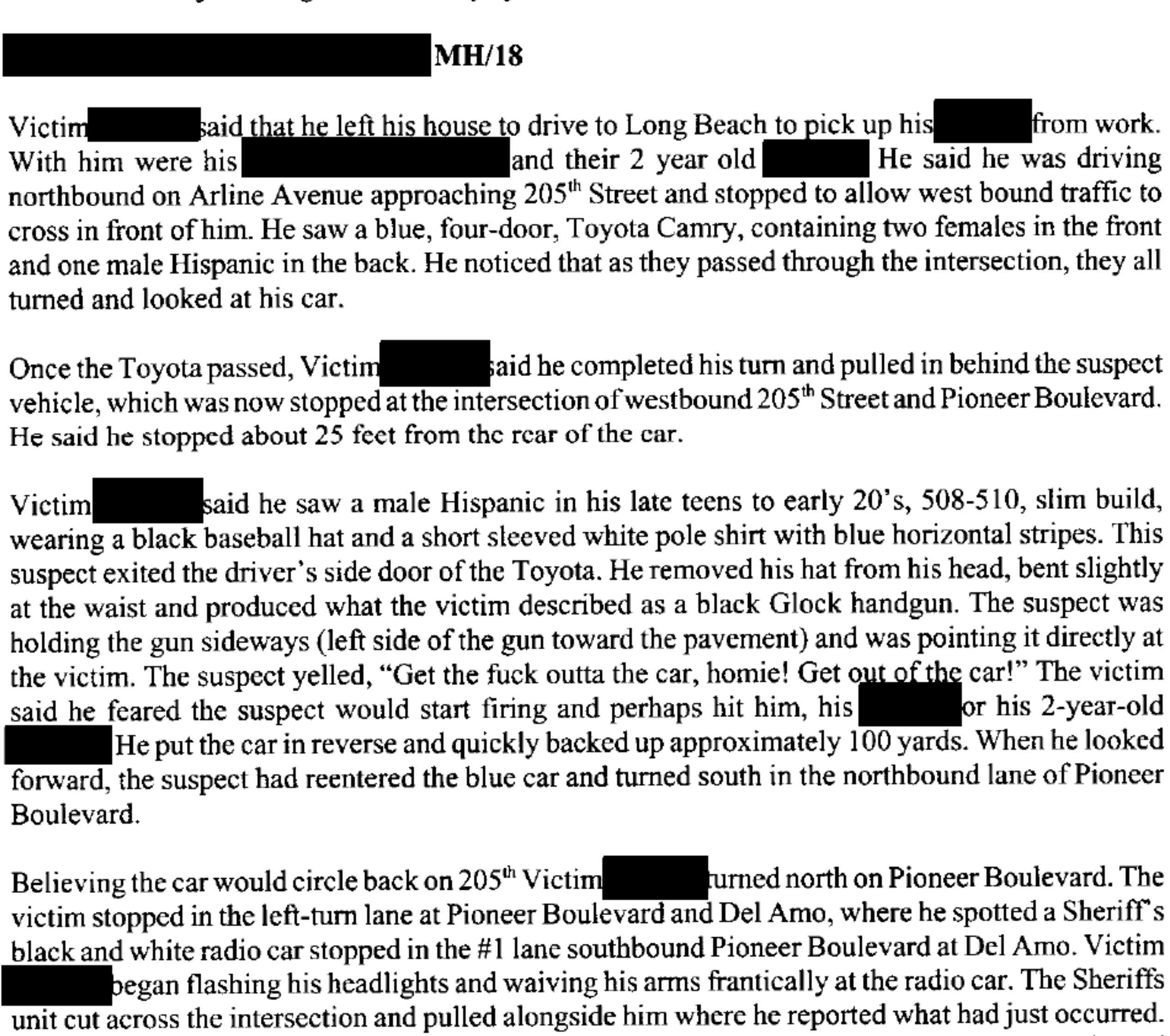
Deputy Brennan related that as he reached for his vehicle's radio microphone the blue car turned northbound on Seine Avenue and immediately pulled to the curb and stopped. He stated that as they pulled behind the blue car and stopped, the right front passenger's door was opening. Deputy Ortiz was exiting the car as Deputy Brennan was exiting the car. Deputy Brennan stated that he observed Suspect Flores stepping from the car with a blue steel semiautomatic handgun in his right hand. Deputy Brennan said that as the suspect was opening the door, the suspect held the door and handgun in a manner that pointed the handgun in his direction. Deputy Brennan was attempting to exit his car and retrieve his weapon when he heard one gunshot come from the direction of Deputy Ortiz. The suspect turned and began to run northbound on Seine Avenue. As Deputy Brennan began to run toward the suspect, he saw the male in the rear seat, Alex Alvarado, lean forward toward the passenger's door. Deputy Brennan stopped running at the blue car and ordered the occupants to place their hands so they could be seen. He stated that from his vantage point, he saw the butt portion of a sawed off rifle on the passenger's floorboard.

Deputy Brennan said that Suspect Flores ran approximately 10', then he turned in the direction of Deputy Ortiz, who was to his left, and pointed his weapon in the direction of Deputy Ortiz. He stated that he heard additional shots after which Suspect Flores ran approximately 30' before falling to the ground. Deputy Brennan detained the occupants of the car, as Deputy Ortiz ran up and detained

Suspect Flores, who was laying on the sidewalk. Deputy Brennan then requested assistance, via sheriff's radio. Deputy Brennan said that as Suspect Flores ran, he and Deputy Ortiz yelled repeatedly for the suspect to stop and drop the weapon.

CIVILIAN WITNESSES/VICTIMS

The following civilian witnesses and victims were interviewed the day of the incident by Homicide Detectives. The following is a summary of their interviews.



[redacted] MH/18

Victim [redacted] said that he left his house to drive to Long Beach to pick up his [redacted] from work. With him were his [redacted] and their 2 year old [redacted] He said he was driving northbound on Arline Avenue approaching 205th Street and stopped to allow west bound traffic to cross in front of him. He saw a blue, four-door, Toyota Camry, containing two females in the front and one male Hispanic in the back. He noticed that as they passed through the intersection, they all turned and looked at his car.

Once the Toyota passed, Victim [redacted] said he completed his turn and pulled in behind the suspect vehicle, which was now stopped at the intersection of westbound 205th Street and Pioneer Boulevard. He said he stopped about 25 feet from the rear of the car.

Victim [redacted] said he saw a male Hispanic in his late teens to early 20's, 508-510, slim build, wearing a black baseball hat and a short sleeved white pole shirt with blue horizontal stripes. This suspect exited the driver's side door of the Toyota. He removed his hat from his head, bent slightly at the waist and produced what the victim described as a black Glock handgun. The suspect was holding the gun sideways (left side of the gun toward the pavement) and was pointing it directly at the victim. The suspect yelled, "Get the fuck outta the car, homie! Get out of the car!" The victim said he feared the suspect would start firing and perhaps hit him, his [redacted] or his 2-year-old [redacted] He put the car in reverse and quickly backed up approximately 100 yards. When he looked forward, the suspect had reentered the blue car and turned south in the northbound lane of Pioneer Boulevard.

Believing the car would circle back on 205th Victim [redacted] turned north on Pioneer Boulevard. The victim stopped in the left-turn lane at Pioneer Boulevard and Del Amo, where he spotted a Sheriff's black and white radio car stopped in the #1 lane southbound Pioneer Boulevard at Del Amo. Victim [redacted] began flashing his headlights and waiving his arms frantically at the radio car. The Sheriffs unit cut across the intersection and pulled alongside him where he reported what had just occurred. He said the blue car was out of sight by this time and estimated that about 45 seconds had elapsed since the attempted robbery had occurred.

Victim [redacted] said he then drove to Long Beach to pick his [redacted] up from work. When he returned to the Lakewood area approximately 20 minutes later, he saw that a containment had been set up and noticed a helicopter orbiting overhead. He contacted a female deputy and explained to her that he was the person who had been the victim of the attempted car jacking.

Investigators then had Victim [redacted] read and sign a victim admonition form for mug show-ups, which he said he understood. Investigators first showed him a six-pack containing a photo of a female who had been identified as the driver of the blue car, Suspect Nicole Preucel. The six-pack number was 90474. Victim [redacted] identified her photo saying her complexion and hair resembled that of the driver of the Camry. Investigators had Victim [redacted] circle and sign the photo of Nicole Preucel.

[redacted] MH/14

[redacted] told Investigators that he was the front seat passenger of the car driven by his [redacted] said that they were driving northbound on Arline Avenue approaching 205th Street when he saw a blue Toyota Camry pass westbound through the intersection in front of them. They had stopped to allow the car to pass and he noticed that the three people inside all turned in their seats to look at their car. He said the Camry contained two females, one was driving and the other was in the front passenger's seat, along with a male Hispanic in the backseat. They made a left turn onto to 205th Street eventually stopping about 25 feet behind the suspect vehicle, which had stopped at the crosswalk of Pioneer Boulevard and 205th Street. As they pulled in behind the Toyota, the driver's side rear door opened and a male Hispanic suspect exited holding a black handgun.

[redacted] said the gun was initially held down along the suspect's side but he brought it up into a firing position and tilted it sideways. The suspect began to yell for them to "get the fuck out of the car" while pointing the handgun directly at the windshield [redacted] thought that he was going to be shot so he ducked down in the front seat while his [redacted] threw the car in reverse and started backing up. He described the suspect with the handgun as a male Hispanic, late teens to early 20's, medium build, with a black hat, wearing a short-sleeve blue and white striped polo shirt. He said as the suspect was getting out of the car, he saw him adjusting his hat as if he was trying to conceal his identity.

[redacted] then saw the suspect get back into the blue car and it turned southbound on Pioneer at a high rate of speed into the northbound lane. He thought the suspects were going to double back around behind them, so they drove north on Pioneer Boulevard and stopped in the left-turn lane at Del Amo Boulevard. He said they spotted a Sheriff's black and white radio car in the #1 lane of southbound Pioneer Boulevard at Del Amo, and after flagging them down, explained they had just been victims of an attempted car jacking. [redacted] felt it was less than two minutes between the time of the attempted car jacking and the contact with the deputies [redacted] said that when they looked back southbound on Pioneer Boulevard, the blue vehicle was out of sight.

[redacted] said the police took off southbound on Pioneer Boulevard, and they completed their trip to Long Beach where they picked up their [redacted] When they returned, they noticed all the police vehicles and identified themselves to the deputies as being the attempted car jacking victims.

Investigators had Witness [redacted] read and sign a witness admonition form for mug show-ups, which he said he understood. Investigators showed him the same four six-packs which were earlier shown to his [redacted] however, he was unable to make an identification of any of the suspects.

[redacted] FH/19

Witness [redacted] related that she was at her residence at [redacted] when Suspect Flores arrived at her house, approximately one hour prior to the incident. While at the residence the suspect asked her to drive him to a friends house. The witness said that it was a common practice for the suspect to ask her to drive him around, since he would often get stopped by the police. The witness agreed to drive. Witness [redacted] Suspect Flores, the front seat passenger, and [redacted] the rear passenger, entered Suspect Flores' blue Hyundai. Witness [redacted] said that she drove from Seine Avenue westbound on 205th Street. As she passed Violeta Avenue, she saw "Suspect" pointing a handgun at a black "Concord." Witness [redacted] identified "Suspect," as [redacted] from the street gang [redacted] Witness [redacted] said that the Black car had tinted windows and contained at least two males. Witness [redacted] said that the black car was backing up in her direction so she drove away from the car. Suspect Flores directed the witness to drive her to his house. Witness Flores stopped in front of the suspect's house and both males exited the Hyundai and walked into the suspects residence, [redacted]. When both males returned, Witness [redacted] observed a large bulge in [redacted] pants and that Suspect Flores had his "Glock," handgun in his waistband. Witness [redacted] said that as [redacted] entered the car she saw him remove the sawed off rifle from the front of his pants. Investigators asked the witness how she knew the weapon was a Glock and she replied that she had seen the suspect with it on other occasions.

Once the males were in the car the suspect told the witness to drive back. The witness refused and the suspect became angry, ordering the victim to drive to her house. The witness pulled from the curb and drove eastbound on 205th Street to Seine Avenue. The witness said that as she turned northbound on Seine Avenue she saw the sheriff's patrol car behind her. She said that she noticed that the patrol cars headlights were on and that the car was almost directly next to her. Witness [redacted] told investigators that as she pulled over and stopped along the east curb of Seine Avenue, she feared that Suspect Flores may shoot out of the windows at the police.

As the car came to a stop, Suspect Flores said "fuck," then opened the passenger's door of the Hyundai. Witness [redacted] said that as the suspect exited the car she saw him remove the handgun from his waistband and opened the door with the gun in his right hand.

Witness [redacted] said that as the suspect ran she heard the deputies yell out for the suspect to "freeze, stop, drop the gun." The witness said that as the suspect ran he turned to his left and pointed the gun at one of the deputies, Deputy Ortiz. It was at this time she stated she heard the gunshots. Witness [redacted] stated "I would have done the same thing if I was the police officer."

Investigators asked the witness, in her opinion, was the suspect capable of shooting the officer and she replied "in my opinion, yes."

At 2035 hours, investigators interviewed [redacted] Prior to starting the interview [redacted] was advised of his constitutional rights, per "Miranda." [redacted] invoked his rights, requesting an attorney before any questioning.

On August 22, 2004, at approximately 0930 hours, investigators attended the autopsy for Suspect Dorian Flores at the Los Angeles County Medical Examiner's I Coroner's I Office. Doctor Sheinin conducted the examination of Suspect Flores and observed that the suspect had suffered a single gunshot wound to the lower left back. Doctor Sheinin attributed the cause of death as resulting from this gunshot wound.

[redacted] FW/59

Witness [redacted] said she was in the kitchen area of her residence, directly across the street, which is approximately [redacted] from [redacted] of the front door, when she heard a police officer yell "Stop!" [redacted] said she knew right away that it was an officer's voice because of the "Command Presence". [redacted] walked directly to her front door. As she walked towards her front door, she heard the officer give a second command [redacted] believed the command was "Stop" followed by other verbiage that she could not make out. When [redacted] looked out her front door, she saw a Sheriff's Deputy with blonde hair, standing on the sidewalk adjacent to the open passenger side door of a black and white marked patrol car, with his gun out [redacted] said there was a third warning that she believed was "Stop, or I'll shoot!", followed by three gunshots. Witness [redacted] did not see who shot.

Immediately after the shots [redacted] heard the deputy yell to the occupants of the small blue car, "I said shut it off". [redacted] said she saw the passenger door of the suspect vehicle standing open and she assumed that someone had run from the car. She also assumed that was why the deputy was making the commands to "Stop".

[redacted] said that she was familiar with the suspect vehicle, which was usually driven by a female. [redacted] later saw that female being detained in the back seat of a police car and assumed that she had been the driver during the incident. [redacted] indicated that she sees that car drive up and down Seine Avenue numerous times, every day.

SUSPECTS' STATEMENTS

Suspect Flores was wearing a gray striped shirt, pair of gray shorts and a black web belt with a metal buckle.

Deceased



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

July 15, 2005

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 04-0698
L.A.S.D. File No. 004-22711-1328-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 19, 2004, fatal shooting of Dorian Flores by Los Angeles County Sheriff's Deputy Jerry Ortiz. We have concluded that the deputy acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Detective Mitchell Robison and Sergeant Richard R. Garcia on January 3, 2005. Additionally, the District Attorney Command Center was notified of the shooting at approximately 2:50 p.m. on August 19, 2004. The District Attorney Response Team, comprised of Deputy District Attorney William Penzin and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were considered as a part of this analysis.

FACTUAL ANALYSIS

On August 19, 2004, at approximately 2:20 p.m., Deputies Jerry Ortiz and Tim Brennan were traveling south on Pioneer Boulevard near Del Amo Boulevard in the City of Lakewood in a marked Sheriff's patrol car. The deputies were flagged down by two [redacted] and [redacted] The [redacted] informed the deputies that a male Hispanic in a blue Toyota had just attempted to carjack them. The attempted carjacking

occurred on 206th Street approximately 45 seconds earlier. The carjacker was the back seat passenger in a blue compact driven by a woman; a second passenger was in the front seat.

The deputies immediately began to search for the suspect vehicle. They turned onto 205th Street and observed a blue Hyundai. As the deputies approached the Hyundai, they observed that the vehicle contained three occupants, including a female driver. The occupants appeared startled. They looked out the windows and moved about the car as if they were looking for a place to "jump out." The Hyundai turned north onto Seine Avenue and immediately came to a stop at the curb. Dorian Flores, the front seat passenger, exited the Hyundai with a semi-automatic pistol in his hand. Flores crouched in a squatting position and pointed the pistol at Deputy Brennan. Fearing that Deputy Brennan was about to be shot, Deputy Ortiz fired one round at Flores.

After the shot was fired, Flores ran from the Hyundai. The remaining two occupants placed their hands over their heads. Deputies Ortiz and Brennan exited their vehicle and moved towards the Hyundai. The deputies ordered Flores to stop and drop the weapon. Flores fled, running away from the car. [redacted] the rear passenger, was bent forward towards the floorboard. Deputy Brennan observed the butt portion of a sawed-off rifle in the rear passenger floorboard area. [redacted] was in the driver's seat of the vehicle. Deputy Brennan detained both [redacted] and [redacted] while Deputy Ortiz pursued Flores.

Deputy Ortiz continued to yell commands at Flores. While running away from the deputies, Flores turned to his left and pointed his gun at Deputy Ortiz. In fear for his life, Deputy Ortiz fired four additional rounds at Flores. Flores stumbled and then continued running for approximately 30 feet before falling to the sidewalk. As Flores fell, Deputy Ortiz ran to him and then kicked the semiautomatic pistol away from his body.

Flores sustained a single gunshot wound to the abdomen. Los Angeles County Fire Department Paramedics responded to the crime scene and transported Flores to Long Beach Memorial Hospital. He was pronounced dead at 4:04 p.m. by Dr. Jonathan Heard.

Investigators interviewed [redacted] She stated that approximately one hour before the shooting, she began driving Flores and [redacted] around in Flores' vehicle. During this period, she observed Flores point a pistol at someone in a black vehicle when she drove past Violeta Avenue. She drove away from the vehicle. Flores told [redacted] to drive to his house at [redacted] She pulled up in front of Flores' house and waited in the car while Flores and [redacted] went into the house. When they returned, she noticed a Glock pistol in Flores' waistband area. [redacted] had a large bulge in his pants. She watched [redacted] remove a sawed-off rifle from the front of his pants.

Flores told [redacted] to drive back to the location near Violeta Avenue. She refused and Flores became angry with her. He ordered her to drive back to her house. As she turned onto Seine Avenue, she saw the Sheriff's patrol car behind her. She was afraid Flores might shoot at the deputies through the windows of the car. She pulled over and stopped at the curb. Flores said, "Fuck," and then opened the passenger door. He exited the vehicle and removed the pistol from his waistband, holding the gun in his right hand. Flores ran from the vehicle and she heard the deputies yelling, "Freeze, stop, drop the gun." She watched Flores turn to his left and point the gun at one of the deputies. She heard the gunshots.

Investigators interviewed [redacted] a resident who lives directly adjacent to the scene of the shooting. [redacted] corroborated the deputies' version of events.

[redacted] was advised of his Miranda rights and refused to provide investigators with a statement.

A .45 caliber semi-automatic Glock pistol, with one live round in the chamber and eight live rounds in the magazine, was recovered from the sidewalk area. The deputies also recovered a .22 caliber semi-automatic Remington rifle with a sawed-off stock from the rear passenger floorboard area of the Hyundai. The rifle contained one live round in the chamber and twelve live rounds in the magazine. Dr. Lisa Scheinen, a Deputy Medical Examiner, conducted an autopsy on the body of Dorian Flores on August 22, 2004. She determined cause of death to be a single gunshot wound to the back

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. People v Williams (1977) 75 Cal.App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal5.30 and 5.32.

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v Collins (1961) 189 Cal. App. 2d 575.

In this case, Deputy Ortiz was justified in his use of deadly force. He initially responded to the danger facing Deputy Brennan by firing one round at Flores. Subsequently,

Deputy Ortiz was confronted with a fleeing suspect pointing a gun directly at him and, fearing for his life, fired four rounds at Flores in self defense.

We conclude that Deputy Ortiz acted reasonably and lawfully in self-defense and in defense of others when he used deadly force against Dorian Flores. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

RENEE S. CARTAYA
Deputy District Attorney
(213)974-5090

c: Deputy Jerry Ortiz, Serial #[redacted]
Deputy Timothy Brennan, Serial #[redacted]